

EXHIBIT C-2

Case Number :SKBHCV2023/0236



THE EASTERN CARIBBEAN SUPREME COURT
ST. CHRISTOPHER AND NEVIS
ST CHRISTOPHER CIRCUIT

Submitted Date:29/12/2023 15:30

IN THE HIGH COURT OF JUSTICE
(CIVIL)
A.D. 2023

Filed Date:29/12/2023 15:30

Fees Paid:52.00

Claim No.

B E T W E E N:

Dr. Timothy Harris

Claimant

and

1. Phillippe Martinez
2. MSR Media SKN Ltd

Defendants

STATEMENT OF CLAIM

1. The Claimant is a citizen of St. Kitts and Nevis having been born there in the year 1964 and is presently an elected member of the National Assembly of the Federation of Saint Kitts & Nevis, having been elected in the General Elections held on the 5th August 2022 as the representative for St. Christopher 7, between 29 November 1993 up to the present date, in successive general elections for periods totaling more than 30 years. He served as a Minister of Government in several Ministries and was Prime Minister of the Federation from 18th February 2015 to 5th August 2022. The Claimant holds a Doctor of Philosophy Degree in Administration from Concordia University in Montreal, Canada, a Master of Science Degree with distinction in Accounting from the University of the West Indies St. Augustine Campus and a Bachelor of Science Degree with first class honours in Accounting from the University of the West Indies, Cave Hill Campus.

2. The 1st named Defendant carries on business in St. Kitts & Nevis and is a businessman and directing mind of the 2nd named Defendant. He styles himself as a film producer and is a developer in St. Kitts and Nevis under the Citizenship by Investment Program [CBI] established in 1984 by virtue of the St. Kitts and Nevis Citizenship Act No.1 of 1984 as amended.
3. The 2nd named Defendant is a company incorporated in the island of Nevis for the purpose of film production activities, restaurant and bar. The Nevis Island Administration NIA paid the 2nd named Defendant US\$150,000 monthly for and gave access to the Defendants to multiple locations on the island to carry out the production of films. On 6th May 2022, MSR Media was approved by the Cabinet of Ministers of Government for the Citizenship By Investment program [CBI] under the Alternative Investment Option and 420 shares were approved at 15 shares per movie at \$200,000 among other approvals set out and attached hereto in the approval letter by the St. Kitts Investment Promotion Agency [SKIPA]. The 1st named Defendant complains that the 2nd named Defendant was and is not performing as he expected and blames this on the success of other CBI developers on St. Kitts and Nevis and threatens to claim losses, he claims he suffers from the Claimant whom he claims, 'managed the St. Kitts and Nevis CBI program'. The Claimant has never managed the CBI.
4. In a letter dated Friday, November 17, 2023, written and signed by the 1st named Defendant to the Claimant and Leslie Khan a.k.a. Les Khan and Mr. Vincent Byron, and copied to no less than 15 individuals as set out in paragraph 7 below, a copy of which is attached hereto, the Defendants published the following, among other, words which are defamatory of the Claimant:

- (i) "Several months ago, I relocated to the United States to initiate an international investigation with MSR Media's team of experts into the finance and discounting schemes in the CBI program that occurred under your administration and management. The result of this investigation has revealed numerous potential violations of United States laws including fraud, money laundering, tax evasion, and corruption."
- (ii) "On his recent radio show on November 15, 2023, Mark Brantley, a member of your government at the time we are referring to, publicly admitted that during your administration thousands of citizenship shares were illegally sold at prices that were a fraction of the legal rate which was represented to the international community. Brantley also stated in his radio/video broadcast that he discussed during cabinet sessions that your actions were illegal."
- (iii) "You have misrepresented the legal value of the CBI shares to MSR Media and American investors, claiming a value of US\$200,000, while establishing a fraudulent network to sell shares of other projects at a fraction of their legal price, especially concerning the jail project."
- (iv) "For the past several months, MSR Media has been formally delivering all evidence of your fraudulent activities to the United States Government."
- (v) "Additionally, you are hereby notified that I have instructed my lawyer, William P Barry of Miller Chevalier in Washington DC., to begin legal action in the United States against you and all of your associated conspirators, including Ms. Ying Jin, CEO, Caribbean Galaxy Real

Estate Corporation and Caribbean Galaxy Real Estate Corporation, for the significant financial damages caused to MSR Media and American Investors."

5. In their natural and ordinary meaning the words complained of meant and were understood to mean that:

(i) The Claimant has committed criminal offences under laws of United States, namely:

- (a) Fraud
- (b) Money laundering,
- (c) Tax evasion,
- (d) Corruption.

(ii) The Claimant conspired with others to illegally sell Citizenship By Investment (CBI) shares at a fraction of their legal rate.

(iii) The Claimant illegally and fraudulently misrepresented to the Defendants the value of CBI shares whilst establishing a network of conspirators to fraudulently sell shares at a fraction of their legal price.

6. Further and/or alternatively, by way of innuendo the words complained of meant and were understood to mean that:

(i) The Claimant headed or was or is a member of a party of conspirators to fraudulently and illegally undersell CBI shares.

- (ii) The Claimant headed or was part of or was complicit in an illegal finance and discounting scheme to illegally sell CBI shares at a fraction of their legal price.
- (iii) The Claimant abused his office as Prime Minister by illegally and or corruptly engaging in the establishment of a group of conspirators for personal gain.
- (iv) The Claimant is a criminal who has committed offences of fraud, tax evasion, money laundering and bribery and corruption.
- (v) The Claimant was involved with and associated with an Approved CBI developers to conspire with them to fix their prices at a fraction of their value, and to participate in the proceeds by receiving bribes.

PARTICULARS OF INNUENDO

- (i) The Claimant was the Prime Minister of St. Kitts & Nevis from 18th February 2015 until 5th August 2022.
- (ii) The letter of Friday, November 17, 2023, stating that the Claimant 'managed' the St. Kitts and Nevis Citizenship by Investment program; that the Claimant had interactions with American Investors; and that he engaged in corruption, amount to a colloquial and well known term meaning that the Claimant received bribes in relation to the alleged conspiracy to engage in a 'finance and discounting schemes in the CBI Program'.

7. The Claimant's reputation has been and or is likely to be seriously harmed and he has suffered hurt, distress and embarrassment and has suffered damage, by reason

of the publication of the said letter and the words complained of, by copy of the letter to the other addressees of the letter, namely Leslie Khan and Vincent Byron and the persons copied and named in the letter, many of whom reside, downloaded and read the letter in St. Kitts and Nevis [SKN], and forwarded it to other persons and media houses, namely, William P. Barry, Sandeep Prasanna, Mark Brantley SKN, Garth Wilkin SKN, Paul Singh, Catherine Coup, Ms. Ying Jin, Damian Kelsick SKN, Dwyer Astaphan SKN, Daisy Randal, Sylvester Anthony SKN, Farron Lawrence, Dorietta Fraites SKN, Lee Beasley and Terrence A. Crossman SKN, and to various media outlets, either directly and or intending such publication, or being reckless or negligent in the distribution of the letter to the various persons named, via electronic mail, or not caring or preventing the further publication and dissemination of the letter, knowing and or intending for the letter to be leaked and or disseminated to other media outlets, and to Clement Liburd trading as Freedom 106.5 FM, and SKN Newsline (and on SKN Newsline Facebook page), and intended to be republished over other media outlets. The sting of the letter, namely the allegations set out above in paragraphs 4,5 and 6, and the widespread dissemination of the said letter and or the defamatory content of the said letter, have caused the Claimant severe stress, hurt, ridicule and embarrassment. Many individuals from St. Kitts, Nevis, the wider Caribbean Region and elsewhere have called the Claimant to commiserate with him about the extremely serious defamatory allegations contained in the letter.

8. The Defendants and other persons associated with the Defendants intend to file a claim, the draft of which claim has been sent to the Claimant's attorney, in the courts of the United States, falsely claiming jurisdiction by virtue of the allegations *inter alia*, that the Claimant has acquired real estate there, and held meetings there with co-conspirators. It is likely that the claim as drafted will be filed and 'leaked' to the public to cause the Claimant even greater and very serious damage to his reputation. The Claimant was referred to by his name in the letter and the

defamatory allegations contained therein were intended to refer to him as part of a group of co-conspirators to commit crimes.

9. The Claimant contends that the 1st named Defendant is actuated by malice.

Particulars

- (i) The Claimant repeats paragraph 10 hereinbelow.
- (ii) The Defendants have made false and misleading allegations against the Claimant, knowing them to be false, and have instead decided to institute legal proceedings in the United States claiming falsely that the Courts in the United States have jurisdiction to determine the claims made in his said draft claim.
- (iii) The 1st named Defendant has attempted to incite the present Government of St. Kitts and Nevis to act on his false complaints.
- (iv) The Defendants' attorneys have sent to the Claimant's lawyers as a pre action protocol or otherwise, a draft claim, which sets out allegations of bribery and corruption, money laundering, allegations of the Claimant purchasing and owning property in the United States from the proceeds of these 'bribes', having meetings in the United States with alleged co-conspirators to hatch the alleged illegal 'finance and discounting scheme', corrupting the due diligence process of applicants to the CBI program in St. Kitts & Nevis. Every single one of the allegations made in the draft claim are false or are made as bare assertions/allegations without any particulars or references to any evidence in support of these false and malicious allegations which, because of the extreme gravity of the allegations, amount to criminal libel in the Federation of St. Kitts and Nevis.

(v) The 1st named Defendant threatens to file the said draft claim knowing that it is false and knowing that the outrageous and inflammatory, false and baseless contents of the claim will be widely disseminated which is calculated to cause further serious damage to the Claimant's reputation.

10. The Claimant will rely on the following facts and matters in support of a claim for damages, including aggravated damages:

- (i) Although the Claimant has made it quite clear to the Defendants by his letter dated the 18th November 2023 to the 1st named Defendant, that the words complained of are entirely false and baseless, the Defendants have failed to offer any apology or retraction which adequately addresses the harm occasioned by the publication of the libel;
- (ii) Further, despite the aforesaid letter written to the Defendants, the Defendants, instead of offering an apology and or retraction threatens to file civil proceedings in the United States and have not only intended to repeat the allegations made, but have amplified these false and malicious allegations and false allegations of criminal behaviour and intend, by that filing to cause greater damage to the Claimant, because he feels harmed by the 'present members of the St. Kitts and Nevis Government' whom he alleges have not acted on his complaints. By that action, the Defendants further threaten the credibility of the CBI program in St. Kitts & Nevis and to cause damage to a vital foreign exchange industry in St. Kitts & Nevis and consequently cause damage to its People and their livelihoods.

(iii) The Defendants know that the allegations they have made against the Claimant are totally false and amount to criminal libel, but instead of retracting the false allegations totally devoid of any truth, or any particulars or any evidence, still persist in perpetuating the defamatory allegations by threatening to file even more damaging false and baseless accusations and allegations of and concerning the Claimant.

11. Unless restrained by this Honourable Court, the Defendants will further publish or cause to be published the words complained of or similar words defamatory of the Claimant.

AND the Claimant claims:

(i) damages, including aggravated damages, for libel.

(ii) a permanent injunction restraining the Defendant whether by himself, his employees or agents or otherwise, from publishing or causing to be published the same or similar words defamatory of the Claimant.

(iii) an interim injunction restraining the publication of the defamatory statements or any similar statements.

(iv) Costs.

(v) Interest on damages and costs from the date of filing to the date of payment at such rate as the court deems fit pursuant to Section 29 of the Eastern Caribbean Supreme Court (St. Christopher and Nevis) act, Cap. 3.11 of the Laws of St. Kitts and Nevis

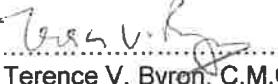
Certificate of Truth

I, Dr. Timothy Harris, the Claimant herein, hereby certify that I believe that the facts stated in this Statement of Claim are true and that I am entitled to the relief claimed.

Dated the 29th day of December, 2023


DR. TIMOTHY HARRIS
Claimant

Dated the 29th day of December, 2023

Signed 
Terence V. Byron, C.M.G.
Byron & Byron
Chambers, Fort Street,
Basseterre, St. Kitts.
Tel: (869) 465-2055
Fax: (869) 465-7191
Email: office@byronlawchambers.com
byronlawchambers@gmail.com

Presented for filing by: Terence V. Byron, C.M.G., BYRON & BYRON, Chambers, Legal Practitioners for the Claimant whose address for service is: "O'Loughlin House", Fort Street, Basseterre, St. Kitts.
Telephone: (869) 465-2055 or (869) 465-5952, Fax: (869) 465-7191,
E-Mail: office@byronlawchambers.com



Junie Liburd



Forwarded



Friday, November 17, 2023

Washington D C , USA

Mr. Timothy Harris
Mr. Leslie Khan a.k.a. Les Khan
Mr. Vincent Byron

Gentlemen:

This letter serves as a formal notice regarding certain actions that transpired under your administration and management with respect to the St. Kitts and Nevis Citizenship by Investment (CBI) Program. On May 6, 2022, under your governance, MSR Media SKN Ltd was approved for the CBI program's 'alternative investment option' at the legal price of US\$200,000 per share.

During your interactions with our American investors, you represented the CBI program as being transparent, the best in the Caribbean, and compliant with the law regarding the share price of US\$200,000. Relying on these representations and the SKIPA approval letter, MSR Media continued to make substantial investments in the Federation of St. Kitts and Nevis, including producing several additional motion pictures and purchasing the OTI Hotel - a transaction introduced by Les Khan that also includes 300 CBI shares.

Several months ago, I relocated to the United States to initiate an international investigation with MSR Media's team of experts into the 'finance and discounting schemes' in the CBI program that occurred under your administration and management. The result of this investigation has revealed numerous potential violations of United States laws including fraud, money laundering, tax evasion, and corruption.

On his recent radio show on November 15, 2023, Mark Brantley, a member of your government at the time we are referring to, publicly admitted that during your administration thousands of citizenship shares were illegally sold at prices that were a fraction of the legal rate which was represented to the international community. Brantley also stated in his radio/video broadcast that he discussed during cabinet sessions that your actions were illegal.

Be informed that all your public statements are being thoroughly analyzed by our investigation team in the United States. You have misrepresented the legal value of the CBI shares to MSR Media and American investors, claiming a value of US\$200,000, while establishing a fraudulent network to sell shares of other projects at a fraction of their legal price, especially concerning the jail project.

3:09 PM

Forwarded



Friday, November 17, 2023

Washington D.C., USA

Mr. Timothy Harris
Mr. Leslie Khan a.k.a. Les Khan



LEGAL NOTICE_ MSR to
HARRIS, KHAN, BYRON 17 N...

2 pages • 291 kB • PDF

3:09 PM



For the past several months, MSR Media has been formally delivering all evidence of your fraudulent activities to the United States Government.

Additionally, you are hereby notified that I have instructed my lawyer, William P. Barry of Miller Chevalier in Washington D.C., to begin legal action in the United States against you and all of your associated conspirators, including Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation and Caribbean Galaxy Real Estate Corporation, for the significant financial damages caused to MSR Media and American investors.

For any communication, contact my attorney William P. Barry of Miller Chevalier directly at his Washington D.C. office via email. For your reference, please see Mr. Barry's page on the Miller Chevalier website.

Email: wbarry@milchev.com

Website: <https://www.millerchevalier.com/professional/william-p-barry>

Regards,

A handwritten signature in black ink that appears to read "Philippe Martinez".

Philippe Martinez

cc:

William P. Barry, Miller Chevalier
Sandeep Prasanna, Miller Chevalier
Mark Brantley, Premier Of Nevis
Garth Wilkin, Attorney General, St. Kitts and Nevis
Paul Singh and Catherine Coup, CS Global
Ms. Ying Jin, CEO, Caribbean Galaxy Real Estate Corporation
Damian Kelsick, Attorney at Law
Dwyer Astaphan, Attorney at Law
Daisy Randal, Attorney at Law
Sylvester Anthony, CIU
Farron Lawrence, CaribTrust Ltd.
Dorietta Fraites, SKIPA
Lee Beasley, MSR Media SKN Ltd.
Terrence A. Crossman, St. Kitts-Nevis Anguilla National Bank

MSR MEDIA SKN LTD

3 Wigley Avenue, Basseterre, Saint Kitts and Nevis
+1 869 662 5370 | info@msrmEDIAsKN.com
www.msrmEDIAsKN.com



2nd Floor, Koi Building, One Airport Road.

Golden Rock, St. Kitts.

Reference No: SKIPA/F9/004

May 06, 2022

Mr. Phillip Martinez
MSR Media SKN
Charlestown
Nevis

Dear Mr. Martinez,

Our agency refers to your application on behalf of MSR Media SKN seeking approval for 420 shares under the Alternative Investment Option (AIO) of the Citizenship by Investment (CBI) Programme (SR&O No. 8 of 2021) for the production of 7 films per year over a period of 4 years, thus a total of 28 films. Please be advised that your request was submitted to Cabinet and it has granted approval of your request, as per the following:

1. The credits of all movies developed and produced by MSR Media SKN are required to include a logo to be synonymous with St. Kitts and Nevis.
2. Each film has been allocated 15 shares at USD \$200,000.00 per share, thus a total of 105 shares per year over the 4-year period. Government fees are to be collected from each purchaser of an investment share as follows:
 - USD \$35,000.00 for a main applicant
 - USD \$20,000.00 for a spouse
 - USD \$10,000.00 for each additional dependent
3. The funds from the sale of each share are to be placed in an escrow account with the release of funds to be made according to the following payout schedule for each movie:

• Pre-production	=	30%
• Production/Photography	=	40%
• Editing	=	20%
• Post production/Release of movie	=	10%
4. Twelve (12) citizenships for the founders and producers of MSR Media SKN, for which government fees must be paid, provided that the individuals meet the requirements under the CBI Programme. Please note that you are required to submit a list of these individuals to the Citizenship by Investment Unit.

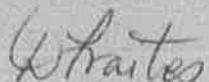
Cabinet has stipulated that the following conditions must be met to maintain the approval under the CBI Programme at items 1–4 on page 1:

- i. MSR Media SKN must give commitment to fulfill previous agreements for film studios on St. Kitts and Nevis.
- ii. MSR Media SKN must fulfill its commitments to the production schedules with timelines to film movies on both islands of St. Kitts and Nevis.

Cabinet has also indicated that since the project is a capital-raising initiative, the units of investment granted will not qualify for resale after the holding period of 7 years.

We take this opportunity to wish your project success.

Yours sincerely



Dorietta Fraites
Investment Facilitation Director

cc: CEO, CIU
Cabinet Secretary

THE EASTERN CARIBBEAN SUPREME COURT
ST. CHRISTOPHER AND NEVIS
ST CHRISTOPHER CIRCUIT

IN THE HIGH COURT OF JUSTICE
(CIVIL)
A.D. 2023

Claim No.

B E T W E E N:

Dr. Timothy Harris

Claimant

and

Phillippe Martinez
MSR Media SKN Ltd

Defendants

STATEMENT OF CLAIM

DANIEL BRANTLEY
Attorneys-at-Law
Trademark & Patent Agents
Notaries Public
P.O. Box 480, Main Street
Charlestown, Nevis, W.I.
Tel: (869) 469-5259 / Fax: (869) 469-1162

*Sparsus @ 11:21 am
21/2024*

Terence V. Byron, C.M.G.
Byron & Byron
Chambers, Fort Street,
Basseterre, St. Kitts.
Of Counsel for the Claimant